



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
 D. M. Sugimura, Director

**CITY OF SEATTLE  
 ANALYSIS AND DECISION OF THE DIRECTOR OF  
 THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2401623

**Applicant Name:** Jennifer Grant for the Port of Seattle

**Address of Proposal:** 1201 Alaskan Way South

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development Permit for dredging of 27,000 cubic yards of sediment for a linear distance of 1,250 feet. Determination of non-significance prepared by the Port of Seattle.

The following approvals are required:

**Shoreline Substantial Development Permit** - To allow dredging in an Urban Industrial (UI) shoreline environment.(SMC [23.60.020](#) , [23.60.032](#) and [23.60.842](#))

**SEPA** – to condition pursuant to SMC Chapter 25.05.660

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions<sup>1</sup>

☒ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

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<sup>1</sup> The Port of Seattle has acted as lead agency and issued its SEPA threshold determination on March 16, 2004.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The Port of Seattle's Terminal 37/42/46 is located on the east bank of the mouth of the Duwamish River, where it flows into Elliott Bay, to the southwest of downtown Seattle and to the east of Harbor Island. The terminal occupies approximately 90 acres. The Site is leased from the Port by [Hanjin Shipping Co.](#) Alaskan Way S. and the Alaskan Way Viaduct run along the eastern edge of the site. To the north is Pier 48, currently off-limits to the public, and potential site of a cold-war era [Soviet submarine](#) exhibit. Pier 36 is to the south, occupied by the US Coast Guard's [Thirteenth District](#).

The terminal is located in an Urban Industrial (UI) shoreline environment and is zoned General Industrial 1 with an 85-foot height limit (IG-1/U85). The site is flat, composed almost entirely of imported fill, concrete and asphalt above what were once tidal mudflats. The Port has dredged the adjoining channel to facilitate cargo vessel moorage. The entire site is mapped as an Environmentally Critical Area due to its potential for liquefaction during a major earthquake event.

The existing Terminal 37, 42, and 46 site comprises approximately 91 acres of upland container marshalling area and approximately 7.1 acres of existing concrete container pier area. The existing container terminal upland area and dock structures have been in place since 1979.

Container terminal operations at the combined upland area include the following existing improvements: (1) Gate structures: Separate entrance and exit gates comprising a total of 18 truck lanes and seven truck scales; (2) Marine operations, administration, and maintenance and repair buildings: Single, on-dock marine operations building (approximately 2700 square feet), three story administration building located adjacent to Alaskan Way (approximately 16,500 square feet), and a single combined maintenance and repair building totaling approximately 32,000 square feet adjacent to the administration building; (3) On-site worker parking sufficient for approximately 230 longshore and marine terminal staff.

### **Proposal Description**

The proposed Terminal 37, 42, 46 berth maintenance and navigational access dredging project includes removal of approximately 27,000 cubic yards of existing subtidal sediments from approximately 5.6 acres in existing vessel berth areas adjacent to Terminal 37, 42, and 46, located in the southwest portion Elliott Bay at the east margin of the entrance to the East Waterway. Dredging will include excavation of contaminated sediments as well as co-located or surrounding subtidal sediments approved for open-water disposal. The total volume of contaminated sediments is expected to be approximately 20,000 cubic yards, with approximately 7,000 cubic yards of excavated subtidal sediments expected to be acceptable for open-water disposal. Three principal work elements are included in the proposed

Terminal 37, 42, 46 dredging project: (1) removal of existing contaminated and clean sediments from approximately 5.6 acres of existing subtidal aquatic area adjacent to Terminal 37, 42, 46, decreasing the existing depth from approximately 47 to 50 feet below MLLW to approximately 52 feet below MLLW; (2) placement of contaminated sediments at a shoreline receiving/stockpile site, followed by transshipment of the sediments to an approved off-site upland disposal site; and, (3) removal of sediments determined to be acceptable for in-water placement to the Elliott Bay open-water dredged material disposal site.

The estimated volume of dredged material includes up to two feet of over-dredge excavation, allowing for excavation equipment tolerances and anticipated removal of substantial volumes of rip-rap. In some locations at Terminal 37, 42, 46, rip-rap installed as structural shoreline stabilization during construction of the container cargo facility more than 25 years ago has moved down slope, entering vessel berth areas along the waterward margin of the existing container pier. The estimated diameter of riprap in the proposed dredging area is approximately one foot. The rip-rap will be removed to an approved upland disposal facility.

In addition to removing rip-rap that has migrated down-slope under the existing container pier, it is anticipated that limited amounts of under-pier sediments may move down-slope during dredging operations, as the slope assumes a stable angle of repose. These sediments include materials placed at the site during construction and materials which may have accumulated at the project site since 1979.

Depending on the extent of under-pier sediment/material movement due to slope angle shifts during dredging, a total of approximately 240,000 square feet of existing subtidal area may be subject to maintenance dredging. Therefore, the total dredging area is approximately 5.6 acres, including 4.3 acres noted above in the vicinity of Berths One and Three. The total existing container cargo vessel berth area at Terminal 37, 42, 46 is approximately 12.1 acres and approximately 46 percent of the total berth area at the site is proposed for maintenance dredging. Following dredging, depths throughout the berth area at the site will be approximately 52 feet below MLLW. Removal of a total of approximately 27,000 cubic yards of sediments will entail an average excavation depth of approximately two to five feet.

Berth maintenance and navigational access dredging will be conducted such that potential negative effects on Treaty net fishing in southeast Elliot Bay and in the East Waterway adjacent to potential dredged sediment receiving sites at Terminal 18, 25, or 30 will be avoided and minimized.

#### Public and Agency Comments

No public comments were received during the public comment period, which ended on June 25, 2004.

#### **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT**

Section [23.60.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter [90.58](#) RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter [173-27](#) WAC*

*Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.*

Chapter [90.58](#) RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed dredging at Terminal 37/42/46 provides for the continued operation of a facility that is dependent upon its location in a shoreline of the state. This permitted use, minimizes, insofar as practical, any resultant damage to the ecology and environment, therefore; the subject application is consistent with the procedures outlined in RCW [90.58](#).

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter [23.60](#), that also incorporates the provisions of Chapter [173-27](#), WAC. [Title 23](#) of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle [Comprehensive Plan](#), and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section [23.60.152](#), the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as a waterfront lot (SMC [23.60.924](#)) and is located within an Urban Industrial (UI) shoreline environment. The proposed improvements are

associated with a marine cargo facility and as such are a permitted use in the UI shoreline environment and the underlying IG-1 zone.

### **Shoreline Policies**

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's [Land Use Element](#), and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC [23.60.220](#). The policies support and encourage the establishment of water dependent uses existing at Terminal 37/42/46 (please refer to Land Use Policies [L339](#) and [L342](#)). An area objective for this portion of the Duwamish waterways is to reserve waterfront lots for major port terminals while at the same time to protect and enhance migratory fish routes and feeding areas (please refer to Area Objectives for Shorelines of Statewide Significance, Policy [L354 1d](#)). The purpose of the Urban Industrial (UI) environment as set forth in Section [23.60.220 C11](#) is to provide for efficient use of industrial shorelines by marine cargo facilities, such as Terminal 37/42/46.

The proposed berth maintenance dredging of Terminal 37/42/46 would facilitate the continued and enhanced operation of an existing marine cargo facility, a use supported by both the purpose of the UI shoreline environment and the policies set forth in the Land Use Element of the Comprehensive Plan.

### **SMC 23.60.152 - Development Standards for all Environments**

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as ... fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage ...
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials

shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch-basins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed the project complies with the above shoreline development standards. As conditioned, the short term construction related activities should have minimal effects on migratory fish routes. Long term effects are believed to be minor and do not warrant further conditioning.

The proposal is subject to a Hydraulics Project Approval ([HPA](#)) permit from the Washington State Department of Fisheries and Wildlife.

The Stormwater, Grading and Drainage Control Code (SMC [22.800](#)) places considerable emphasis on improving water quality and minimizing construction impacts. In conjunction with this effort DPD developed a Director's Rule, [2000-16](#), to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Due to the extent of the proposed earthwork associated with the berth dredging, the potential exists for impacts to the Duwamish and Elliott Bay during construction. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures.

Additionally, dredging can cause increased turbidity in the water column, which can lead to negative impacts on aquatic organisms. To minimize the increase in turbidity the Port has provided BMPs that will followed during dredging activities. These measures will minimize the increase in turbidity during the proposed work.

Thus, the project is conditioned that materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction.

**SMC. 23.60.842 – Special Uses Permitted on Waterfront Lots in the UI Environment**

The applicant is proposing to dredge in a UI environment, which is only permitted if the applicant can demonstrate that the special use criteria in SMC 23.60.032 can be met. The applicant has provided an analysis of the criteria, which is located in the project file. Thus, the proposed use meets the applicable criteria and is approved.

### **SMC 23.60.870 – Development standards for the UI Environment**

The proposal conforms to all of the development standards for the UI environment.

### **Conclusion**

SMC Section [23.60.064 E](#) provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter [23.60](#), and with RCW [90.58.020](#) (State policy and legislative findings).

WAC [173-27](#) establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW [90.58](#). It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology ([DOE](#)). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter [23.60](#) is also consistency with WAC [173-27](#) and RCW [90.58](#).

Thus, as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

### **DECISION- SHORELINE SUBSTANTIAL DEVELOPMENT**

The Shoreline Substantial Development permit is **GRANTED**.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent, dated March 16, 2004. The information in the annotated checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The potential environmental impacts identified in the environmental checklist are discussed below where mitigation under Seattle's SEPA Ordinance is warranted.



## Short - Term Impacts

### Dredging Impacts

Dredging activities could result in the following adverse impacts: limited localized erosion of the bottom sediments; water degradation including an increase in turbidity, a decrease in dissolved oxygen levels and an increase in levels of contamination in the water column, chiefly petroleum hydrocarbons, heavy metals, and polychlorinated biphenyls (PCBs); a decrease in diversity and abundance of benthic and epibenthic organisms in the dredged area, increased energy consumption, potential petroleum-derived fuels and lubricant spills; increased noise, and increased truck trips.

The above dredging related impacts are mitigated by existing State, and Federal regulations. Specifically, these are the U.S. Army Corps of Engineers (USACE) Section 10/404 Permits; Washington Department of Fish and Wildlife (WDFW), Hydraulic Project Approval (HPA) including assuring dredging is not done during the salmonid juvenile migration period; Washington State Department of Ecology (DOE) Section 401 Water Quality Certification (401 Certification); Washington State Department of Natural Resources (DNR) requiring an Open Water Disposal Permit and a Puget Sound Dredging Disposal Analysis (PSDDA). The latter is joint agreement between the US Environmental Protection Agency (EPA) USACE, DOE and DNR. Due to the regulatory requirement of the above state and federal governments, the majority of the impacts will be mitigated (See SEPA 25.05.660 and 25.05.665). Therefore additional conditions for this project are limited.

### Water Quality

The Shoreline Master Program will mitigate the water quality concerns in the SEPA section.

## Long - Term Impacts

### Earth

All operating equipment at the site will be subject to best management practices (BMPs) and Spill Prevention, Containment and Countermeasures (SPCC) plans implemented to avoid and minimize potential releases of fuel and petroleum products used by construction equipment to the marine environment.

The proposed dredging activity includes excavation of approximately 27,000 cubic yards of sand/mud sediments. The sediments proposed for excavation are being evaluated consistent with state and federal criteria for determining the potential for chemical contamination in marine sediments, including contaminant level screening analyses and criteria implemented by the Dredged Material Management Program, Puget Sound Dredged Disposal Analysis. The sediments proposed for removal include: (1) approximately 20,000 cubic yards of sediments expected to be ineligible for open water disposal,

requiring removal to a controlled upland receiving site and (2) approximately 7,000 cubic yards of sediments with contamination levels below established screening and sediment quality thresholds. Open water disposal of the latter is proposed as appropriate. Analysis and evaluation of the type and level of contaminants represented in the sediments proposed for maintenance dredging, including the potential for limited introduction of sediments to the water column during dredging/excavation, transfer of dredged sediments to a receiving barge, transfer of sediments to upland receiving facilities, and disposal activities in Elliott Bay, with respect to state and federal water and sediment quality standards is expected to indicate that sediment excavated during navigational access maintenance dredging are unlikely to result in substantial discharges to southeast Elliott Bay. Water quality monitoring and sampling during maintenance dredging operations will ensure that dredging operations do not exceed state and federal water quality requirements. Sediment dredging will be accomplished and controlled consistent with a water quality monitoring plan approved by state and federal agencies. Dewatering of contaminated dredged sediments at the selected dredged material receiving site will be accomplished without discharge to surface water in the East Waterway. All water released from dredged sediments transferred to the selected upland receiving and transshipment site will be collected and pre-treated before being discharged to the sanitary sewer. No adverse impacts are anticipated, thus, further mitigation is not warranted.

### Animals

The built and committed container cargo use area in existing upland at Terminal 37, 42, 46 includes active container cargo operations and does not include significant habitat for avian and terrestrial animals. The proposed berth maintenance-dredging project will affect subtidal and water column areas in southeast Elliott Bay. A biological assessment has been prepared for review by participating agencies, detailing potential adverse effects due to berth maintenance dredging. The biological assessment is available from the Port of Seattle for review. The biological assessment focuses on species listed under the Endangered Species Act that may be present in the vicinity of the proposed Terminal 37, 42, 46 berth maintenance dredging project site, including: Puget Sound chinook salmon (*Oncorhynchus tshawytscha* – threatened), bull trout (*Salvelinus confluentus* – threatened), Steller sea lion (*Eumetopias jubatus* – threatened), humpback whale (*Megaptera novaeangliae* – endangered), and bald eagle (*Haliaeetus leucocephalus* – threatened). This list of species is based on information received from USFWS and NMFS for numerous other recent projects in Elliott Bay.

Juvenile Chinook salmon and bull trout are expected to be absent or present in relatively low numbers during the proposed berth maintenance dredging activities. Adult and sub-adult salmonids (including larger juvenile chinook) may be present during this time. Sub-adult and adult salmonids are expected to avoid areas where dredging is occurring, and the proposed project is considered to entail a negligible risk of mortality or injury of Chinook salmon and bull trout. Implementation of the project is not expected to result in water quality conditions that are dangerous to salmonids, and no adverse water quality effects on salmonids are likely to occur.

Bald eagles may be present in the action area. The birds that have been observed near the action area appear to be habituated to human presence and activity, but would be expected to avoid sites where dredging equipment is operating. Therefore, the berth maintenance-dredging project is unlikely to result in mortality or injury of bald eagles. Because of their general tolerance of activity and the size of their foraging territories, the short-term, temporary disturbance of bald eagles is not expected to adversely affect the foraging success of this species. The proposed project would have no effect on bald eagle nesting habitat.

Although it is unlikely that Steller sea lions or humpback whales would be present in the berth maintenance dredging action area, any animals that were present would be expected to avoid sites where dredging activities are taking place. Because of the innate escape and avoidance responses of marine mammals, it is unlikely there would be mortalities or injuries of Steller sea lions or humpback whales because of dredging. The short-term disturbance of sea lions or whales is expected to have no significant effect on these species.

The proposed project is expected to have no long-term adverse effects on habitat quality, and is not expected to contribute to adverse cumulative effects on habitat.

Based on the analyses in the biological assessment, it is expected that the proposed berth maintenance dredging project may include some effects to Chinook salmon and bull trout, but is not likely to adversely affect these species. The proposed project may affect, bald eagles, Steller sea lions or humpback whales, but is not likely to adversely affect these species.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impacts upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

### **CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT**

#### **Conditions of Approval**

1. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction.
2. Spill prevention and response material should be kept at the site for quick response to any toxic spills, such as fuel, at the site.

### **CONDITIONS - SEPA**

#### **Conditions of Approval**

The following condition(s) to be enforced during dredging shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the Master Use Permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the dredging.

3. Other permits and approvals, which the project must obtain, are a Section 10/404 Permits from the USACE; an HPA from WDFW; 401 Certification, from DOE; Open Water Disposal Permit from DNR; and a Puget Sound Dredging Disposal Analysis (PSDAA), which is a joint agreement between the US Environmental Protection Agency (EPA) USACE, DOE and DNR, which will determine where the dredged material will be disposed. The federal permits (USACOE Section 10/404 Permits) are issued only after review of an application by and a recommendation from the National Marine Fisheries Service and U. S. Fish and Wildlife Service for compliance with the Endangered Species Act. The other permits and approvals also require a review of the proposed dredging work. These reviews and permit decisions, with conditions, has not yet taken place. It is generally acknowledged that the above listed agencies possess among the highest levels of skill and expertise on dredging impacts to the aquatic environment. Because the Section 10/404 Permits, the HPA, the 401 Certification, and the PSDAA are expected to be authoritative on issues of the dredging operations, the DPD Director will defer to USACE, WDFW, DOE, DNR, and EPA for additional mitigation of this project. It will become a condition of this Master Use Permit that Section 10/404 Permits, an HPA, 401 Certification, Open Water Disposal Permit, and a PSDAA be successfully obtained and that their terms and conditions be followed.

Signature: \_\_\_\_\_ (signature on file) Date: October 11, 2004  
Bryan Stevens, Land Use Planner  
Department of Planning and Development  
Land Use Services

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